

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

VICTOR LOPEZ

Plaintiff,

VS.

**VOYAGER INDEMNITY INSURANCE
COMPANY**

Defendant.

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C.A. NO. _____

DEFENDANT'S NOTICE OF REMOVAL

COMES NOW Defendant, VOYAGER INDEMNITY INSURANCE COMPANY (hereinafter "Voyager"), and files this Notice of Removal under Fed. R. Civ. P. 81(c) and pursuant to 28 U.S.C. 1446(b)(3) of Cause No. 16-04-32977-MCVAJA; *Victor Lopez v. Voyager Indemnity Insurance Company*; In the 365th Judicial District Court of Maverick County, Texas to the United States District Court for the Western District of Texas, Del Rio Division and would show this Court as follows:

A. Procedural Background

1. Plaintiff filed this case as Cause No. 16-04-32977-MCVAJA; *Victor Lopez v. Voyager Indemnity Insurance Company*; In the 365th Judicial District Court of Maverick County, Texas on April 20, 2016. (See Exhibit "A").

2. Defendant Voyager Indemnity Insurance Company was served with such suit on May 26, 2016. (See Exhibit "B"). Voyager files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

3. A copy of the District Court docket sheet is provided to the Clerk of the Court. Relevant pleadings and answers are attached hereto as exhibits. (See Exhibit "C").

4. Venue is proper in the Western District of Texas, Del Rio Division as this division and district embrace the venue of the state court action.

5. Voyager will promptly file a copy of this Notice of Removal with the clerk of the county court in which this action has been pending.

B. Nature of the Suit

6. This is a suit based upon a policy of insurance. Plaintiff claims that his residence sustained damage as a result of an April 23, 2014 weather event and Voyager failed to comply with the policy of insurance issued to Plaintiff with respect to his claim under the policy as a result of the weather event.

C. Basis for Removal

7. Removal is proper because there is complete diversity between the parties. *See* 28 U.S.C. §1332(a). Plaintiff, Victor Lopez, is an individual who resides in Zavala County, Texas. Defendant Voyager Indemnity Insurance Company is a foreign corporation organized and existing under the laws of the state of Arizona with its principal place of business in Scottsdale, Maricopa County, Arizona. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs as Plaintiff alleges in paragraph 48 of his Petition that he seeks monetary relief in the sum of \$200,000 to \$1,000,000.

D. Jury Demand

8. Plaintiff has not demanded a jury trial in the State Court action.

E. Conclusion and Prayer

WHEREFORE PREMISES CONSIDERED, Defendant, VOYAGER INDEMNITY INSURANCE COMPANY gives notice that Cause No. 16-04-32977-MCVAJA; *Victor Lopez v. Voyager Indemnity Insurance Company*; In the 365th Judicial District Court of Maverick County, Texas is hereby removed from said State Court to the United States District Court for the Western District of Texas, Del Rio Division, and Defendant prays for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

COOPER & SCULLY, P.C.

By: /s/ Fred L. Shuchart

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**ATTORNEY FOR DEFENDANT VOYAGER
INDEMNITY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to all known counsel of record as indicated below by certified mail, return receipt requested, facsimile and/or hand delivery on this 17th day of June, 2016.

Larry W. Lawrence, Jr.
Lawrence Law Firm
3112 Windsor Road, Suite A234
Austin, Texas 78703

☐ via certified mail/return receipt requested
☐ via regular mail
☒ via facsimile – (800) 507-4152
☐ via hand delivery

/s/ Fred L. Shuchart
FRED SHUCHART